

21 C.J.S. Courts § 179

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

A. Principles of Adjudication

§ 179. Decision restricted to questions presented

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Courts will only decide necessary questions and will rely on the narrowest legal grounds available.

Cases should be decided on the narrowest legal grounds available,¹ and a court should avoid unnecessary decisions.² As a general rule, a court will decide only those questions that are necessary to determine a case, and will not render decisions in advance,³ particularly when considering constitutional questions.⁴ A court will not declare rules of law that have no effect on the particular case before it.⁵ Courts deal with cases upon the basis of the facts disclosed and never with nonexistent or assumed circumstances.⁶ However, courts may consider an issue that is antecedent to and ultimately dispositive of the dispute even if the parties failed to identify it as an issue.⁷

Although the principle of judicial restraint does not require courts to refrain from deciding public policy questions,⁸ a court's pronouncements of public policy must be confined to clear and articulable principles of law.⁹ Under the cardinal principle of judicial restraint, if it is not necessary to decide more, then it is necessary not to decide more.¹⁰

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Footnotes

- 1 U.S.—*Shamloo v. Mississippi State Bd. of Trustees of Institutions of Higher Learning*, 620 F.2d 516
(5th Cir. 1980).
- 2 Utah— *Laney v. Fairview City*, 2002 UT 79, 57 P.3d 1007 (Utah 2002) (holding modified on other
grounds by,  *Moss v. Pete Suazo Utah Athletic Com'n*, 2007 UT 99, 175 P.3d 1042 (Utah 2007)).
- 3 Idaho— *Garrity v. Board of Com'rs of Owyhee County*, 54 Idaho 342, 34 P.2d 949 (1934).
Kan.—*National Sav. Life Ins. Co. v. Hobbs*, 130 Kan. 313, 286 P. 394 (1930).
La.— *Horrell v. Gulf & Valley Cotton Oil Co.*, 15 La. App. 603, 131 So. 709 (Orleans 1930).
- 4 C.J.S., Constitutional Law § 217.
- 5 U.S.—*Local Joint Executive Bd., AFL-CIO v. Hotel Circle, Inc.*, 419 F. Supp. 778 (S.D. Cal. 1976),
judgment aff'd,  613 F.2d 210 (9th Cir. 1980).
- 6 U.S.— *Associated Press v. National Labor Relations Board*, 301 U.S. 103, 57 S. Ct. 650, 81 L. Ed.
953 (1937).
- 7 U.S.— *U.S. Nat. Bank of Oregon v. Independent Ins. Agents of America, Inc.*, 508 U.S. 439, 113 S.
Ct. 2173, 124 L. Ed. 2d 402 (1993).
- 8 Ohio— *Coolidge v. Riverdale Local School Dist.*, 100 Ohio St. 3d 141, 2003-Ohio-5357, 797 N.E.2d
61, 181 Ed. Law Rep. 797 (2003).
- 9 Md.— *Wholey v. Sears Roebuck*, 370 Md. 38, 803 A.2d 482 (2002).
- 10 Wash.—*Fairweather Fish, Inc. v. Pritzker*, 2016 WL 150239 (W.D. Wash. 2016).

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